

Derrick Lee Sledge, P-43766  
CTF/CW-134L  
P. O. Box 689  
Soledad Calif. 93960

FILED  
08 JUL 11 PM 4:38  
CLERK, U.S. DISTRICT COURT  
MICHIGAN

IN PRO SE

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

## SAN FRANCISCO DIVISION

DERRICK LEE SLEDGE

Plaintiff

V.

DAVID BALKIND, et al.

Defendant(s).

C07-4622 CRB (PR)

SECOND REQUEST  
WITH MOTIONS FOR  
APPOINTMENT OF COUNSEL

PURSUANT to 28 U.S.C. Sect. 1915 (e)(1) plaintiff moves respectfully once more for this court understanding for an order appointing counsel to represent him in this case. In support of this motion, plaintiff states:

1. Again, Plaintiff's imprisonment is greatly

1 limiting his ability to litigate. So respectfully  
 2 Plaintiff pleads with this Court to grant him  
 3 Counsel under its extraordinary / exceptional  
 4 Circumstances.

5 Plaintiff is presently living under re-  
 6 taliation and unhumane living conditions that  
 7 has emotionally and mentally impaired him  
 8 beyond this imagination.

9 Daily Plaintiff is being exposed to CDCR/  
 10 CTF malice and sadistic sovereignty as it  
 11 manipulate society as being for penological  
 12 interest (See Attachment - Exhibit 312).

13 Since this 6/18/2008 lock-down program  
 14 for its own offices negligences, causing  
 15 inmates to be subject to mandatory cell  
 16 searches that's been the production of the  
 17 most sadism justification imaginable.

18 Firstly, it should be noted that Plaintiff  
 19 is under psychiatry treatment and medication  
 20 (CCMs); so being deprived from out-door  
 21 exercise (fun) ect... medication being enhanced  
 22 and getting older is effecting Plaintiff abilities  
 23 to function appropriately - more so now up and  
 24 down weight gain has forced him to now take  
 25 High Blood Pressure medication with moments  
 26 away from becoming a diabetic.

27 Then if Plaintiff become "lucky" to  
 28 attend the law library (for 1-2 hours) it's

1 Still impossible to obtain Assistance (NO  
2 professional legal staff available) or do fair  
3 Research being how "every" inmate also suffer  
4 from same post traumatic stress syndrome  
5 which is becoming hard for him to keep  
6 such pain hidden or to operate functionally  
7 For instances: Plaintiff was order to  
8 take a shower with a group of another race  
9 which was an abnormal practice, and when  
10 Plaintiff pleaded peacefully with the officer just  
11 to stay in eye sight present, Plaintiff was  
12 denied a shower until the next shower time  
13 (6-days without showering).

14 For having safety concerns - more so living now  
15 with great paranoid since witnessing how  
16 CMC-E Officers permitted innocence inmates to get  
17 beat-up and then alleged it to been a participated  
18 racial riot.

19 This being the same officer, I previously  
20 stated concerns for his laziness by not wanting  
21 to come to my cell to pick-up out-going legal  
22 mail, after 8:00 p.m close-B count.

23 Then if the officers serve the food and  
24 do the clean-up they become so mad and  
25 dishonorable for such duties that the portion  
26 of the food be so small you can't even make a  
27 complete sandwich, Because there's no one to  
28 actually supervise them.

1 And then when those special interest  
2 inmate(s) do the food serving ect... it become  
3 even worst because its no canteens or packages  
4 programs so state meals become canteen so portions  
5 items often come up short and missing which  
6 frustration will impair a person logical thinking for  
7 life !!

8 It's so hard to understand how legislature  
9 permit CDCR/CTF ect... over and over to mono-  
10 polize indigences inmates and their families;  
11 CDCR/CTF allows its inmates to order items from  
12 their's - own APPROVED special VENDORS, once  
13 enough inmate buy an abundant of a items, then  
14 CTF ect... say we can't have it no more too. con-  
15 fiscate or donate it because you can't pay for the  
16 mailing cost; so in reality CDCR/CTF could profit  
17 under 4 different AVENUES.

18 Plaintiffs' live many hours in his cell (22-24  
19 hours) where there is no desk to write on, no  
20 ventilation system, now CTF staff has took away  
21 that 1-Cubic feet legal box, that permitted me to  
22 had write suitable and not suffer from lower back  
23 pain AS NOW !!

24 Also, please take into consideration that plaintiff  
25 is also litigating his THREE STRIKE CONVICTION; As well  
26 for each of them ALLEGED PRIOR CASES used, seper-  
27 ately; plus a major I.R.S issue.

28 And then doing all I can too maintain the

1 true Rehabilitation of my own effort, being  
 2 how this Agency that's getting paid to do it, IS  
 3 NOT !!. in fact doing the opposit; As I daily  
 4 witness how many of the younger officers becoming  
 5 TRAINED with more sadism characterization then  
 6 the veterans toward inmates hardship living !!

7 With all of the Above, with time could put  
 8 A UNBEARABLE burden; eventually too seriously  
 9 effect Plaintiffs Ability to even think appropriately  
 10 let alone Advocate for his Actual innocence from  
 11 the many trickery forms of due process violations  
 12 occurred in this CASE; And then to overcome  
 13 the ARSENALS of PROFESSIONAL ATTORNEYS, that's  
 14 legally stating, "such violation is acceptable  
 15 toward CDCR PRISONERS". " Moreso because such  
 16 due process violation were established LAW, Rules  
 17 And regulation of CDCR Penological Interest before  
 18 PRISONERS (housed in CDCR) liberty interest ect...

19 Lastly, please notice plaintiffs' didn't attempt  
 20 to make this AN EX PARTE Motion; being how these  
 21 MANDATORY Cell Searches (absence the inmate) to  
 22 convincingly permit the Officers to Read thoroughly  
 23 through his and other inmates legal mail which is  
 24 why he believes why such items confiscation was  
 25 an act of pure Retaliation. Which boldness is openly  
 26 express at time in great hopes if CDCR would stop  
 27 prolongating and deliver him of this torment conduct !!

WHEREFORE, plaintiffs request that the  
Court Appoint Counsel in this case.

Date: July 9, 2008

Respectfully, Submitting

Derrick L Sledge  
DERRICK L Sledge  
In PRO se.

## PROGRAM STATUS REPORT

### PART B – PLAN OF OPERATION / STAFF & INMATE NOTIFICATION

*Describe only this reporting periods specific Plan of Operation*

INSTITUTION Correctional Training Facility Soledad	EFFECTIVE DATE OF PLAN JUNE 19, 2008	PROGRAM STATUS NUMBER CTF-Central-08-005
---	---	---

<input type="checkbox"/> NORMAL PROGRAM	<input checked="" type="checkbox"/> MODIFIED PROGRAM	<input type="checkbox"/> LOCKDOWN	<input type="checkbox"/> STATE OF EMERGENCY
<input type="checkbox"/> INITIAL	<input checked="" type="checkbox"/> UPDATE		<input type="checkbox"/> CLOSURE

#### RELATED INFORMATION (CHECK ALL THAT APPLY)

AREA AFFECTED	INMATES AFFECTED	REASON
<input type="checkbox"/> INSTITUTION:	<input checked="" type="checkbox"/> ALL EXCEPT EAST DORM	<input type="checkbox"/> BATTERY
<input checked="" type="checkbox"/> FACILITY: CTF CENT. MAIN LINE	<input type="checkbox"/> BLACK	<input type="checkbox"/> DEATH
<input type="checkbox"/> HOUSING UNIT:	<input type="checkbox"/> WHITE	<input type="checkbox"/> RIOT / DISTURBANCE
<input type="checkbox"/> VOCATION:	<input type="checkbox"/> HISPANIC	<input type="checkbox"/> GROUPING
<input type="checkbox"/> EDUCATION:	<input type="checkbox"/> OTHER	<input checked="" type="checkbox"/> OTHER Escape
<input type="checkbox"/> OTHER:		
MOVEMENT	WORKERS	DAYROOM
<input type="checkbox"/> NORMAL	<input type="checkbox"/> NORMAL	<input type="checkbox"/> NORMAL
<input checked="" type="checkbox"/> ESCORT ALL MOVEMENT	<input checked="" type="checkbox"/> CRITICAL WORKERS ONLY	<input checked="" type="checkbox"/> NO DAYROOM ACTIVITIES
<input type="checkbox"/> UNCLOTHED BODY SEARCH PRIOR TO ESCORT	<input type="checkbox"/> CULINARY	<input type="checkbox"/> MODIFIED:
<input type="checkbox"/> CONTROLLED MOVEMENT	<input type="checkbox"/> CLERKS	
VISUAL ESCORTS OF INMATES IN THE CORRIDORS	<input checked="" type="checkbox"/> CULINARY BOX LUNCH CREW, COOKS, KITCHEN WORKERS	RECREATION
<input checked="" type="checkbox"/> OTHER: THE CORRIDORS	<input type="checkbox"/> CANTEEN	<input type="checkbox"/> NORMAL
	<input type="checkbox"/> CLOTHING ROOM	<input checked="" type="checkbox"/> NO RECREATIONAL ACTIVITIES
	<input type="checkbox"/> RESTRICTED WORK PROGRAM	<input type="checkbox"/> MODIFIED:
	<input type="checkbox"/> PORTERS	
	<input checked="" type="checkbox"/> INMATES MAY ASSIST IN CELL FEEDING PROCESS, NO MORE THAN 12 INMATES	
FEEDING	SHOWERS	CANTEEN
<input type="checkbox"/> NORMAL	<input type="checkbox"/> NORMAL	<input type="checkbox"/> NORMAL
<input checked="" type="checkbox"/> CELL FEEDING	<input type="checkbox"/> ESCORTED	<input checked="" type="checkbox"/> NO CANTEEN
<input type="checkbox"/> CONTROLLED FEEDING IN DINING ROOM	<input type="checkbox"/> ONE INMATE PER SHOWER – OWN TIER	<input type="checkbox"/> MODIFIED:
<input type="checkbox"/> HOUSING UNIT/DORM AT A TIME	<input type="checkbox"/> CELL PARTNERS TOGETHER – OWN TIER	
<input type="checkbox"/> DORM POD AT A TIME	<input type="checkbox"/> DORM SHOWERING BY GROUP	
<input type="checkbox"/> TIER AT A TIME	<input type="checkbox"/> CRITICAL WORKERS ONLY	
<input type="checkbox"/> HOUSING UNIT SECTION AT A TIME	<input checked="" type="checkbox"/> NO SHOWERS	
<input checked="" type="checkbox"/> SACK MEAL BREAKFAST		
<input type="checkbox"/> SACK MEAL LUNCH		
<input type="checkbox"/> SACK MEAL DINNER		
DUCATS	MEDICAL	PHONE CALLS
<input type="checkbox"/> NORMAL	<input type="checkbox"/> NORMAL MEDICAL PROGRAM	<input type="checkbox"/> NORMAL
<input checked="" type="checkbox"/> MEDICAL DUCATS ONLY	<input type="checkbox"/> PRIORITY DUCATS ONLY	<input checked="" type="checkbox"/> NO PHONE CALLS
<input type="checkbox"/> CLASSIFICATION DUCATS	<input checked="" type="checkbox"/> MED. PERS. CONDUCT ROUNDS IN UNITS	<input type="checkbox"/> MODIFIED:
<input type="checkbox"/> PRIORITY DUCATS ONLY	<input type="checkbox"/> INMATES ESCORTED TO SICK CALL	
VISITING	<input type="checkbox"/> EMERGENCY MEDICAL ONLY	
<input type="checkbox"/> NORMAL VISITING	<input checked="" type="checkbox"/> OTHER: MEDS DELIVERED TO UNITS	
<input type="checkbox"/> NON-CONTACT ONLY		
<input type="checkbox"/> NO VISITING		
<input checked="" type="checkbox"/> OTHER: Family Visiting Only		
LEGAL LIBRARY		RELIGIOUS SERVICES
<input type="checkbox"/> NORMAL	<input type="checkbox"/> APPROVED COURT DEADLINES	<input type="checkbox"/> NORMAL
		<input type="checkbox"/> NO RELIGIOUS SERVICES
		<input checked="" type="checkbox"/> MODIFIED: OFFERED @ CELL FRONT

#### REMARKS:

On June 18, 2008, an inmate at CTF-Central escaped from his assigned cell. As a result of this incident all inmates housed at CTF-Central Facility are on modified program (Note: East Dorm is excluded from this program modification). All Inmates will be cell fed. Inmates may assist in the cell feeding process of their assigned wings, no more than twelve inmates will be allowed out at a time. Paper trays are authorized. Inmates going to Medical Appointments, Dental Appointments and BPH will be given an unclothed body search prior to exiting their cell, and will be visually escorted to their destinations. There will be no deviation from this Program Status Report without authorization from the Correctional Captain. Questions or concerns regarding this program modification should be addressed to the Watch Commanders on 2<sup>nd</sup> or 3<sup>rd</sup> watch.

State of Emergency only: Postponement of nonessential administrative decisions, actions and the normal time requirements:

Approved  Disapproved

PREPARED BY: R.N. Spencer Lieutenant	DATE June 18, 2008	NAME / SIGNATURE (WARDEN) Ben Curry, Warden	DATE
---	-----------------------	--	------

**PROOF OF SERVICE BY MAIL  
BY PERSON IN STATE CUSTODY  
(C.C.P. SS 1013(A), 2015,5)**

I, Derrick Lee Sledge, declare:

I am over 18 years of age and I am party to this action. I am a resident of CORRECTIONAL TRAINING FACILITY prison, in the County of Monterrey, State of California. My prison address is:

Derrick Lee Sledge, CDCR #: P-43766  
CORRECTIONAL TRAINING FACILITY  
P.O. BOX 689, CELL #: CW-134L  
SOLEDAD, CA 93960-0689.

On July 9, 2008, I served the attached:

Second Request with Motions for Appointment of Counsel

on the parties herein by placing true and correct copies thereof, enclosed in a sealed envelope (verified by prison staff), with postage thereon fully paid, in the United States Mail in a deposit box so provided at the above-named institution in which I am presently confined. The envelope was addressed as follows:

Office of the Clerk  
U.S. District Court  
Northern District of Calif.  
450 Golden Gate Ave  
SAN FRANCISCO CALIF. 94102  
1x Original  
1x Copy

Dept. of Justice Office  
of the Attorney General  
455 Golden Gate Ave  
Suite 11000  
SAN FRANCISCO CA 94102  
Attn: Edmund G Brown Jr.  
And /sl Kyle A Lewis  
for defendants

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on June 19, 2008.

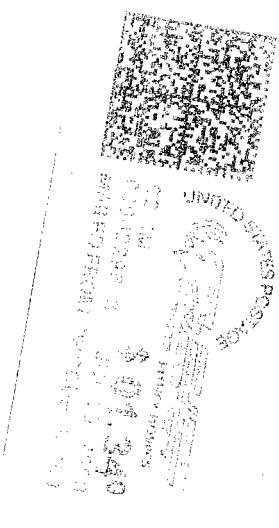
Derrick L Sledge  
Derrick L Sledge  
Declarant

Derrick Lee Sledge, P-43766

CTF 1 CW- 1342

P. O. Box 689  
Soledad, Calif. 93960

Office of the  
U. S. District  
Northern District  
450 Golden G.  
San Francisco



  
GO Seaway 7-9-08

**LEGAL MAIL**

**LEGAL MAIL**